

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,
Plaintiff/Respondent,

V.

NOE NICOLAS GARZA,
Defendant/Movant.

§
§
§
§
§
§
§

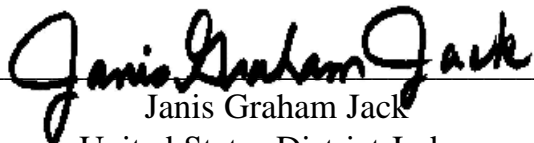
CR. No. C-03-70
C.A. No. C-07-342

ORDER

By Order entered April 30, 2008, the Court granted Defendant Noe Nicolas Garza's ("Garza") motion to proceed *in forma pauperis* on appeal from this Court's denial of his motion under 28 U.S.C. § 2255. (D.E. 86, granting D.E. 85.) While the Court granted the *in forma pauperis* request, it also ordered that Garza be required to pay the filing fee in installments. (See D.E. 86.) On May 6, 2008, the Clerk received a virtually identical *ifp* motion from Garza, except that it does not contain any information from his prison account and was executed on a different date. (D.E. 87.) As noted, Garza's request to proceed on appeal *ifp* has already been granted and a collection order entered. Garza's latest *ifp* motion (D.E. 87) is therefore DENIED AS MOOT.

Additionally, as set forth in the Court's prior order, if Garza does not wish to pay the filing fee, he must notify the Court in writing, by letter or motion, that he does not wish to prosecute the appeal. (See D.E. 86 at 2.) Such notice must be filed not later than May 30, 2008. (Id.)

It is so ORDERED this 8th day of May, 2008.


Janis Graham Jack
United States District Judge